IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO :9428 of 1998

Dated: 20.02.2007

Between:
Geda Veera Venkata Satyanarayana,
S/o Satyanarayana, 38 years, R/o Rajampalem,
West Godavari District.

..... PETITIONER

AND

1. The Commissioner of Survey and Settlements
   and Land Records, A.P., Hyderabad.
2. The Director of Settlements, A.P., Hyderabad.
3. The Settlement Officer-cum-Sub Collector,
   Kovvur, West Godavari District.
4. The Mandal Revenue Officer, Polavaram,
   West Godavari District. ..RESPONDENTS

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.9428 of 1998

ORDER:

This writ petition is filed seeking quashing of the order of the 1st respondent-Commissioner of Survey and Settlements and Land Records in L2/1560/87 dated 24.01.1998 and consequently sought for a direction to the respondents to stay all further proceedings including not to dispossess the petitioner from a total extent of Ac.11-64 in R.S.Nos.23 and 29 situated at Pragadapalli village, Polavaram taluk, West Godavari District.

The case of the petitioner is that he is in possession and enjoyment of the land to an extent of Ac.11.64 cents in R.S.Nos.23 and 29 situated at Pragadapalli village, Polavaram taluk, West Godavari District. The said land came into his possession by a registered settlement deed dated 22.04.1956 executed by his father. It is stated that the lands were in possession and enjoyment of non-tribals right from 1916 onwards and thereafter the petitioner and his predecessors became the owners and, therefore,

the sale transactions are not void in terms of L.T. Act 1 of 1917 and L.T.R. 1 of 1959 as amended in 1 of 1970. While so, the 3rd respondent-settlement officer conducted a suo motu enquiry in S.R.No.11 (a) 900/77 under Section 9 of the Act for grant of ryotwari patta in respect of the land in question and dismissed the claim of the petitioner on 31.08.1977 on the ground that the sale transactions are void in terms of the A.P.S.A.L.T.R. 1 of 1959 as amended in 1 of 1970. Aggrieved by the same, the petitioner preferred an appeal being A.P.No.9 of 1979 before the 2nd respondent-Director of Settlements and the same was dismissed on 06.07.1987. As against the same, the petitioner preferred a revision before the 1st respondent and the same was also dismissed on 24.01.1998. Hence this writ petition.

The main contention of the learned Counsel for the petitioner is that the land in question forms part of patta No.33 belonged to one Adipudi Prabhakar Rao, an estate holder, and subsequently under various registered sale deeds the lands were transferred and ultimately the petitioner's grandfather came into possession of the said land and thereafter by virtue of the settlement deed of the year 1956 the petitioner came into possession of the said land. Learned Counsel for the petitioner has drawn my attention to an order passed by the Settlement Officer, Eluru, in the matter relating to one Koyyalamudi Lakshmi Narasayamma, W/o Venkata Krishna Rao in S.R.No.11 (a) 2/85 (Regulation 2/70) dated 14.06.1985, wherein the Settlement Officer granted ryotwari patta in favour of the said Lakshmi Narasayamma on the ground that the said land belonged to Adipudi Prabhakara Rao under Patta No.33. Despite the fact that the said order was produced before the 1st respondent-Commissioner of Survey and Settlements and Land Records, he refused to grant ryotwari patta on the ground that the patta No.33 was not produced before any authority. Having gone through the entire material on record i.e., the order passed by the Settlement Officer, Eluru dated 14.06.1985 and the order passed by the Special Deputy Collector (TW), K.R.Puram in S.R.No.1460, 1476 and 1477 of 1990 dated 10.09.1992, this Court is of the view that the patta No.33 is definitely an estate land and the original holder of the said land was one Adipudi Prabhakara Rao and the said land was transferred to various persons and ultimately the petitioner's grandfather has came into possession. But these factual aspects were not brought on record, may be on account of failure of the petitioner to produce the said documents before the Settlement Officer or the Settlement Officer himself might not have looked into those documents. Hence, I deem it fit to remit the matter to the 3rd respondent-settlement officer for fresh enquiry and disposal in accordance with law. The documents that are produced before this Court as well as the 1st respondent-Commissioner of Survey and Settlements and Land Records may be produced before the 3rd respondent-settlement officer and the 3rd respondent, after giving sufficient opportunity to all the parties concerned, may dispose of the same in accordance with law, within a period of Six weeks from the date of receipt of a copy of this order. As the petitioner continued to be in possession of the land in question, the same shall not be disturbed pending enquiry.

The writ petition is accordingly disposed of. No costs.

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(GOPALA KRISHNA TAMADA, J)

20-02-2007
Gsn.